

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT R. PORTER,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-1736
)	Judge Thomas M. Hardiman/
HARRY J. CANCELMY, Jr., Esq.,)	Magistrate Judge Lisa
)	Pupo Lenihan
Defendant)	
)	Re Doc. 29

MEMORANDUM ORDER

In consideration of Plaintiff's Declaration for Entry of Default, Doc. 29, treated as a request for entry of default judgment, and his Declaration for Entry of Default, Doc. 31, and Defendant Cancelmi's Answer to Plaintiff's Declaration, Doc. 34, and Plaintiff's response to Cancelmi's Answer, Doc. 35, and the fact that the answer was only four days late,

IT IS HEREBY ORDERED that Plaintiff's request for entry of default is **DENIED**.

In accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(A), and Local Rule 72.1.3, the parties are allowed ten (10) days from the date of service to file an appeal from this order to the District Court. Any opposing party shall have seven (7) days from the date of service of the appeal to respond thereto. Failure to timely file an appeal may constitute a waiver of any appellate rights.

A handwritten signature in black ink, appearing to read 'Lisa Pupo Lenihan', is written over a horizontal line.

Lisa Pupo Lenihan
United States Magistrate Judge

Dated: October 11, 2006

cc: Robert R. Porter
DU-6434
SCI Camp Hill
P.O. Box 200
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